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C O N F I D E N T I A L SECTION 01 OF 07 UNVIE VIENNA 000441

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E.O. 12958: DECL: 09/22/2034
TAGS: [PREL](#) [PARM](#) [SY](#) [KN](#) [IAEA](#) [KNNP](#)
SUBJECT: IAEA/SYRIA: DG RECEIVES MIXED SUPPORT AMONG BOARD
MEMBERS ON AGENCY'S REQUESTS OF SYRIA FOR INFORMATION AND
ACCESS

REF: UNVIE 00414

Classified By: AMBASSADOR GLYN DAVIES FOR REASONS 1.4 (B) AND (D)

¶1. (C) Summary. Despite a highly critical report by the Director General, Board members remained divided on the Syria agenda item at the September Board of Governors meeting. Like-minded countries' criticism of Syria for "severely impeding" the investigation and repeated calls for Syria to provide the access requested by the IAEA were counterbalanced by NAM/Arab countries' "welcoming" Syria's cooperation thus far and continued focus on Israel's act of aggression and the United States' "late" provision of information to the IAEA. The NAM/Arabs willfully ignored a key finding in the DG's report on Syria, which stipulates for the first time that military sites are not off-limits to the IAEA in accordance with Syria's safeguards agreement. Syria made its position clear in its response under Rule 50 when it stated that it had "fulfilled its obligations towards the Agency." Like-minded countries, as well as Turkey, Argentina, and, notably, Russia, called on Syria to cooperate with the IAEA's requests. Canada and Israel said that the Agency should be prepared to invoke additional authorities should Syria not cooperate. The Board debate was a placeholder, as many Board members looked forward to the results of samples recently taken by the IAEA at the Miniature Neutron Source Reactor (MNSR), the only declared/safeguarded site in Syria. While several Board members expressed satisfaction with Syria's cooperation with respect to the MNSR, like-minded Board members noted that this should not be conflated with the investigation of Al-Kibar and related sites on which Syria is rejecting any further IAEA access.

¶2. (C) Comment: Syria was on the Board's agenda for the fourth time and with little progress to show in regard to Syrian cooperation. The potential for "Board fatigue" is a growing concern absent new developments. The Director General's reports have raised more questions than answers and

despite their critical tone give no direct indication of how to break the impasse with Syria. Without a more assertive stance by this Director General or his successor, it is unlikely the divided Board will call Syria to account. The IAEA should receive soon the full results from environmental samples taken at the MNSR reactor. Should those samples confirm again the presence of anthropogenic uranium, it could set the stage for the Secretariat to press Syria harder for the access it feels it must have in Syria.
End summary and comment.

Syria an Agenda Item for Fourth Time

13. (SBU) This marks the fourth consecutive quarterly meeting at which Syria was on the Board's agenda and, while the Board remains focused on the issue, little has changed in the tenor of the Board debate, which is becoming more and more scripted as it reflects the lack of progress in the IAEA investigation due to Syria's non-cooperation. Fourteen Board members spoke in addition to the NAM and EU statements: Malaysia, Argentina, the U.S., Canada, Australia, Russia, New Zealand, Japan, Algeria, Cuba, Switzerland, Egypt, South Africa, and Turkey. Seven non-Board members spoke under Rule 50; Israel, South Korea, Libya, Indonesia, Venezuela, Iran, and Syria.

14. (SBU) The Director General's opening remarks focused on Syria's lack of cooperation, saying "Syria has cooperated with the Agency in its verification activities at the

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Miniature Neutron Source Reactor (MNSR) in Damascus. However, Syria has not yet provided the necessary cooperation to permit the Agency to determine the origin of the anthropogenic natural uranium particles found in samples taken at the Al-Kibar site (referred to by the IAEA as Dair Alzour). Syria has not cooperated with the Agency to enable the Agency to confirm Syria's statements regarding the nonnuclear nature of the destroyed building on the Al-Kibar site, nor has it provided the required access to information, locations, equipment or materials." The DG urged Syria to cooperate with the Agency, saying it was in Syria's best interest, but he did not reiterate, as is stipulated in the report, that military sites were not off-limits.

Concern Expressed by Some Board Members

15. (SBU) The EU, Canada, Australia, New Zealand, Japan, Switzerland and, under Rule 50, Israel and South Korea expressed concern over Syria's lack of cooperation with the Agency by not providing the requested access and documentation related to the anthropogenic uranium found at Al-Kibar and by not engaging in substantive discussions with the IAEA concerning the nature of the destroyed building at Al-Kibar. Canada expressed deep concern about the possible undeclared nuclear activities in Syria, including the cooperation with North Korea. Canada highlighted the fact that the Agency's investigation has been "severely impeded" because Syria has not provided the necessary access to locations, information, equipment, or materials. The EU expressed concern that Syria has failed to engage in substantive discussions with the IAEA concerning the structure of the destroyed building and certain procurement activities. Canada, Japan, and Switzerland noted that the presence of nuclear material of a type not in Syria's declared inventory underscores the need for the Agency to pursue the matter. Canada, Australia, and New Zealand joined the U.S. in expressing concern that the functional relationship of the three additional sites with Al-Kibar had still not been answered. Australia further debunked Syria's arguments that the uranium could not have come from a facility under construction and Syria's claim that it was impossible to meet the IAEA's requests for access to debris.

New Zealand expressed disappointment no progress had been made in the investigation. The EU, Australia, and Japan also joined the U.S. in calling on Syria to sign and implement the Additional Protocol.

¶16. (SBU) Echoing the like-minded statements, Argentina endorsed the DG's assessment that it is necessary to reach a complete understanding of the uranium particles found at Al-Kibar, the images of the site, as well as certain procurement activities. Argentina said the outstanding questions underscored the importance of Syria providing additional information to the Agency and that Syria "needs to act transparently" by providing access to locations that may have relation to Al-Kibar and establish modalities to protect sensitive military information. Similarly, Turkey said that access to information and locations was needed and the presence of uranium particles at Al-Kibar requires complete engagement with Syria.

Russia Supports DG's Call for Syrian
Cooperation

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¶17. (SBU) Russia backed the DG's call on Syria to fully cooperate with the Agency's investigation into the nature of the Al-Kibar facility. Russia said that questions to Syria need to proceed calmly, without haste or politicization. In addition, Russia supported the DG's request for Member States, including Israel, to share information which could possibly lead to a conclusion of the issue. The Russian statement was markedly forward-leaning compared to its previous focus on Israel's aggression.

Military Sites Not "Off-Limits"

¶18. (SBU) The EU, Canada, Australia, New Zealand, and Japan joined the U.S. in highlighting the DG report's conclusion that "the military nature of the facility does not preclude further investigations by the Agency." The EU, New Zealand, Switzerland, and Turkey (and South Korea under Rule 50) called on Syria to establish modalities which will allow the Agency access to relevant information and locations while protecting sensitive information.

¶19. (SBU) NAM countries ignored this conclusion from the DG's report that military sites are not off-limits to the Agency by continuing to argue that Syria should not be requested to cooperate beyond its legal obligations. Malaysia stressed that sovereign rights of each member state must be protected, that a state is only obligated to comply with its comprehensive safeguards agreement, and that "anything else is simply voluntary." Algeria said that Syria should cooperate "within its framework of commitments." Cuba dismissed the "insistence that the bombed country go beyond its legal commitments," adding that Syria has cooperated from the start. Egypt, speaking in its national capacity, regretted that the line between what is an obligation and what is a voluntary measure is becoming continually blurred. Indonesia under rule 50 asserted that all information related to the national security of any sovereign country and its confidentiality has to be protected. Venezuela, also under Rule 50, said that safeguards agreements laid out the obligations of member states and that these should not be altered due to pressure from third parties.

Canada, Israel Hint at Special Inspections

¶10. (SBU) Canada was the only Board member to indirectly raise the prospect of special inspections. Canada encouraged

the Agency to use all of the "available tools it has in its toolbox" should Syria's unwillingness to cooperate continue, a thinly veiled reference to special inspections. Speaking under Rule 50, Israel also inferred that the IAEA should take measures to make progress in its investigation.

NAM Seeks to Keep Focus on Israel

¶11. (SBU) NAM (Egypt), Malaysia, Algeria, Cuba, and under Rule 50 Libya, Indonesia, Venezuela, and Iran once again focused on Israel's "act of aggression," calling it a "flagrant violation of the UN charter." Malaysia and Cuba expressed their concern about the "hypocritical silence" of the West in that only NAM countries were speaking out against Israel's "act of aggression," and Cuba called for the Board to roundly condemn Israel's actions. Iran attributed Western

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silence to the influence of "Zionist lobbies." Egypt added that those who remain silent on Israel's actions would have been very loud had the situation been reversed. Egypt noted further that the manner in which the issue was brought to the IAEA demonstrated a deep lack of confidence in the Agency. Libya blamed Israel for complicating the Agency's task by attacking a facility it claims to be nuclear-related and "thereby challenging and mocking the international community." Algeria said that a stepping up of efforts in disarmament and concrete steps towards Middle East Nuclear Weapon Free Zone would help ease tensions in the region. In its statement under Rule 50, Israel simply noted that the references to Israel in the Syria report were inappropriate.

¶12. (SBU) In a departure from the usual NAM rhetoric, Egypt's national statement noted that Syria was ignoring the Agency's requests at the Al-Kibar facility. A weak South African statement encouraged Syria to continue its cooperation with the Agency to bring the issue to an early closure. South Africa called on member states to direct concerns to the IAEA when it is available and said the unilateral use of force undermined the spirit and word of the NPT.

Report is Not Released

¶13. (SBU) Canada, Australia, New Zealand, and the U.S. asked for the item to remain on the Agenda and for the report to be released formally to the public. No consensus was reached on releasing the report, with Cuba and Egypt opposing the release.

Syria Responds

¶14. (SBU) Atomic Energy Commission head Ibrahim Othman delivered Syria's remarks under Rule 50. Othman thanked the NAM and friendly countries for understanding Syria's situation and lamented the continued accusations by other member states despite "all our cooperation." (Note: This was similar to Iran's expression of gratitude to the NAM under the Iran agenda item, septel. End Note.) Othman said he was surprised the IAEA continues to require Syria to show more cooperation while Syria has since 2008 shown "all manner of cooperation in keeping with its obligations." Othman noted that Syria had fulfilled all its obligations by providing information on the nature of the new and old building at Al-Kibar, adding that neither of two buildings were related to nuclear activities.

¶15. (SBU) Othman noted that Syria exercised self-restraint after Israel's blatant attack that destroyed a military installation under construction. Instead of appreciation, he said, the blame continued with calls for Syria to disclose

information that "we do not have in our possession." Othman said Syria had afforded Agency inspectors total access to the Al-Kibar site. Inspectors were able to observe the military nature of the destroyed site and surrounding buildings, including the pumps and the water processing plant. Othman said it was "truly puzzling and surprising" that the IAEA continues to request plans of those military sites and requests continued visits of other military sites. He questioned how Syria could be required to provide this when it is in a state of war with Israel and closed the issue by saying "it is not open to discussion and not debatable" but a matter of security.

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¶16. (SBU) Othman said the Agency should require Israel to 1) stop international violations and subject Israel to the same standards applied to other member states, 2) require Israel to declare all its nuclear bombs and depleted uranium missiles, and 3) give access to missiles of the type used in the attack.

¶17. (SBU) With respect to the debris at the site, Othman characterized the removal of debris resulting from Israeli bombing was "something natural;" it was an internal matter left to Syrian authorities. He reiterated Syria's statement relayed in the DG report that the request from the Agency was received late, more than one year after the debris was disposed.

¶18. (SBU) Othman rejected linkage by the Agency of the uranium found at the MNSR with the investigation into Al-Kibar. He also said that Syria cannot accept that the IAEA would regard the small amounts of uranium particles as "nuclear material" that was undeclared in Syria's nuclear inventory. Syria reiterated its dismay at the continued leaking of the DG's Syria report, which Othman indicated contains information that is extremely sensitive to Syria.

¶19. (SBU) Othman closed by responding to points made during member state interventions. First he said that it is surprising to hear statements about Syria's "nuclear program" and increasing evidence that it is undeclared because such programs would require scientists and resources Syria did not have. Lastly, he said that the MNSR is completely known to Agency and that Syria was just as interested to find out where the particles of uranium came from that were identified at the MNSR site. (Comment: The IAEA found anthropogenic uranium particles in 2008 samples taken at the Miniature Neutron Source Reactor (MNSR) in Damascus, a declared facility. The uranium was "of a type not declared at the facility." Syria has cooperated with the Agency's investigation at the MNSR, and the IAEA performed a Physical Inventory Verification, PIV, on July 8, 2009, and took environmental samples at the facility; the results are not yet in. End comment.)

U.S. Statement on Syria

¶20. (SBU) Madam Chair,

We thank the Director General for his latest report and commend the Secretariat for its professional pursuit of the technical investigation in Syria. Syria's ongoing refusal to cooperate with the IAEA remains of serious concern to the United States, and, indeed, should concern all supporters of the Agency's safeguards system and the international nonproliferation regime. As the Director General notes in his latest report to the Board, Syrian inaction over the past year has "severely impeded" the Agency's verification effort. This Board must not allow any country to hinder the Agency's ability to meet demonstrably the verification responsibilities with which it has been charged. We hope future reports will reflect a decision by Syria to change

course and provide the Agency a full accounting of its past and present nuclear program, and allow the Agency the access it has requested to provide confidence that Syria has no further undeclared nuclear activities.

For over one year, the IAEA has been investigating

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Syria's clandestine nuclear activities related to the destroyed reactor at Dair Alzour. Regrettably, Syria has not used this time to resolve the serious outstanding questions about the reactor and associated facilities. Instead, it has chosen to hinder the Agency's efforts by refusing to allow inspectors the access the Agency has deemed essential to perform its verification mission; by failing to provide information and supporting documentation about the destroyed facility at Dair Alzour; by failing to address the Agency's questions about nuclear-related procurement efforts; by refusing to supply the Agency with information related to nuclear cooperation with the DPRK; and, by taking steps to sanitize three additional suspect nuclear-related sites upon receiving the IAEA's request for access. In addition to the previously reported clean-up efforts, and as noted in the Director General's latest report, Syria now claims to have destroyed all debris, salvaged equipment and remains of munitions removed from the Dair Alzour site.

We note with concern that Syria has not yet resolved questions related to traces of man-made uranium particles that have been detected at Dair Alzour and at the hot cells at the Miniature Neutron Source Reactor (MNSR), a declared nuclear facility in Damascus under IAEA Safeguards. In both cases, the uranium is "of a type not included in Syria's declared inventory of nuclear material."

We call on Syria to cooperate fully with the Agency without delay to address all unresolved questions, including the presence of the undeclared man-made uranium detected at the Dair Alzour site as well as inside the hot cells at the MNSR. The IAEA and its members must understand why such material - material that was not previously declared to the IAEA - was detected at two facilities in Syria, one of which was being constructed clandestinely.

With regard to uranium detected at Dair Alzour, the Director General reiterates in his latest report the "low probability" that the anthropogenic natural uranium detected in the soil at Dair Alzour was introduced by the munitions used to destroy the facility. We regret that Syria has refused Agency inspectors access to the debris from the site, including remnants of the munitions, as a step that would help the Agency make a conclusive determination.

As reported in the Director General's report, Syria has provided an initial explanation about the possible origin of the undeclared uranium detected at the MNSR and allowed the IAEA to take additional environmental samples during a physical inventory verification visit on July 8. We are pleased the Agency was permitted to conduct this visit and look forward to the results of the environmental samples.

However, allowing the Agency to conduct its mandated verification work at the MNSR unhindered should not be misconstrued as cooperating with the Agency on the investigation into the clandestine reactor at Dair Alzour. The Agency has requested, since May 2008, to hold substantive discussions with Syria on the serious questions related to undeclared nuclear activities at the Dair Alzour and related sites. It has even offered to show additional satellite imagery. Unfortunately, Syria continues to rebuff the Agency's offer.

Madam Chair, Syria's main argument for not cooperating with the IAEA verification effort is its assertion that, under its Comprehensive Safeguards Agreement, it is not under

any obligation to provide further information concerning Dair Alzour or any additional sites because of their military nature. However, in his most recent report to the Board, the Director General corrects Syria's misunderstanding of its safeguards obligations. The Director General clearly states, and I quote, "There is no limitation in Comprehensive Safeguards Agreements on Agency access to information, activities or locations simply because they may be military related." The fact that the Agency has found particles of nuclear material of a type which is not in the declared inventory of Syria underscores the need to pursue this matter. We urge Syria to accept the Agency's request to discuss the necessary modalities for providing access to information and locations that Syria has asserted are sensitive so as to enable the Agency to advance its mandated verification work.

When considering the importance of the multiple outstanding questions, the traces of undeclared uranium and Syria's claim that the sites' military nature precludes IAEA visits, the Board should not lose sight of the following: the configuration and location of the destroyed reactor suggests that it was not intended for peaceful purposes. Given the gravity of this issue and the fact that Syria continues to "seriously impede" the IAEA's verification efforts, the United States urges all Board members to join us in demanding that Syria fully cooperate with the IAEA investigation without delay by granting the IAEA access to any information, debris and sites needed to complete its investigation.

The existence of undisclosed nuclear facilities in Syria and Syria's refusal thus far to cooperate with the investigation further underline the limitations on the Agency's ability to fulfill its mission in a country with a Comprehensive Safeguards Agreement but without an Additional Protocol. This kind of evasiveness led the international community to develop the Additional Protocol in order to give the inspectors the tools they need to provide us with the necessary assurance that a country's declaration is not only correct, but it is also complete, and its nuclear program is therefore exclusively for peaceful purposes. We call on Syria, and indeed on all states that have not yet done so to sign and implement the Additional Protocol.

The existence of undeclared nuclear activities is a matter of grave concern to the entire international community. Therefore, in the spirit of transparency, the Board should make available to the public the Director General's report on "Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic."

In light of the mounting evidence of a clandestine nuclear program and the fact that Syria has "severely impeded" the Agency's verification effort, this issue should remain on the agenda for the November meeting of the Board of Governors. We call on the Secretariat to report in writing before the November meeting with an update on the Agency's investigation into undeclared nuclear material at the MNSR and its investigation into clandestine nuclear activities at the Dair Alzour site. We urge Syria to provide without further delay whatever access and information the Agency deems necessary to resolve all outstanding questions.

Thank you, Madam Chair.

End U.S. statement as delivered.
DAVIES